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of all Forms of
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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 9 OF THE CONVENTION

Twelfth periodic reports of States parties due in 1995

Addendum

ALGERIA*

[3 March 1996]

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* This report contains in a single document the eleventh and twelfth periodic reports of Algeria due on 15 March 1993 and 1995 respectively.

For the ninth and tenth periodic reports and the summary records of the Committee's meetings at which the reports were considered, see:

CERD/C/209/Add.4 (CERD/C/SR.962, 963 and 983).

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Introduction

1. The Government of the People's Democratic Republic of Algeria, confirming its commitment to the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, a commitment emphasized by recognition of the Committee's competence under article 14, hereby submits its eleventh and twelfth consolidated reports.

2. This report essentially outlines new developments since the submission of Algeria's previous reports (1992) and sheds new light on the interpretation of certain socio-political phenomena in the context of the current process of democratization. In this connection, and for the sake of conciseness, the points already covered, in exhaustive fashion, in the preceding periodic reports have not been reiterated.

I. GENERAL

A. Action to combat racial discrimination and general legal context

3. Algeria has acceded to the principal international conventions relating to human rights, notably the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights and its Optional Protocol No. 1, the International Covenant on Economic, Social and Cultural Rights, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It has been a party to the Convention on the Rights of the Child since 1993 and will shortly deposit the instruments of ratification of the Convention on the Elimination of All Forms of Discrimination against Women. The principal provisions of the Convention on the Elimination of All Forms of Racial Discrimination have been incorporated in the Algerian Constitution of 23 February 1989.

B. Status of the Convention with respect to domestic law

4. Article 123 of the Constitution stipulates that "The treaties ratified by the President of the Republic under the conditions specified by the Constitution are superior to the law". The Convention has therefore formed an integral part of Algerian legislation since 14 February 1972, the date of its ratification, and its provisions may be invoked by individuals and bodies corporate before the courts. This possibility has been confirmed by the Constitutional Council.

5. Pursuant to this provision, therefore, the Constitutional Council, having been seized by the Head of State, on two occasions - in 1989 and 1995, criticized the provisions of an Elections Bill submitted by Parliament and introducing a clause forbidding candidates to stand for the office of President of the Republic if they or their spouses are not of "original" Algerian nationality.

C. Demographic composition of the Algerian population

6. For thousands of years the territory constituting modern Algeria has witnessed the mixing of populations of various origins. The traces left by

the first inhabitants of the country (the rock paintings at Tassili date back to the second millennium before Christ) show that they already belonged to different types, including in terms of skin colour.

7. From the seventh century onwards Christian, Jewish and Muslim populations began to cohabit in Algeria, the Muslim element predominating in demographic terms and in terms of monopolization of political power. The latter aspect is important: unquestionably, from the historical standpoint, the coexistence of three religions has been made possible by Islam, which recognizes the validity of prior religious messages and protects its adherents. The Muslim religion also stresses the unique character of the origin of the human species, condemning racial, tribal, ethnic or linguistic differentiation and admitting competition between peoples only if it is in the context of the promotion of merit deriving from individual works.

8. The contribution of Islamic culture has been decisive in the unification of these populations and in the rejection of racial discrimination.

9. On the other hand, colonization set up a discriminatory system based on the granting of French citizenship to the indigenous Jewish community (Crémieux decree of 24 October 1870) and then the indigenous Christian community (Act of 26 June 1888) and on the classification of the population by pseudo-ethic criteria: Arabs, Moors, Kabyles, Kouroughlis, Mozabites, Chaouis and Touaregs (Code of Indigenous Status, 1881). This segregation, which was based on a total misconception of the process of settlement of Algeria, was abolished by the Act of 31 December 1962, together with all legal provisions of the colonial period which jeopardized national unity. Shortly before independence, between May and July 1962, the Christian and Jewish communities, influenced by the propaganda of proponents of French Algeria who rejected the principle of democratic coexistence in an independent State, left the country en masse. Once freedom had been recovered, and out of respect for the principle of non-discrimination, for which several generations of Algerians fought during the colonial period, the public authorities now refuse to conduct censuses on the basis of linguistic, religious or racial criteria.

10. Today, the Constitution stipulates that "Algeria is a democratic and people's republic. It is one and indivisible." Articles 2 and 3 of the Constitution stipulate that Islam is the religion of the State and that Arabic is the national and official language. Other provisions stipulate that, apart from its Arab and Muslim culture, Algeria is based on an Amazighe, African and Mediterranean substratum.

11. Since 1995, and with the establishment of the Office of the High Commissioner on Amazighe Status, the Amazighe language has been taught in schools and universities. The use of this language as a means of communication has been growing steadily, including within State institutions.

12. Freedom of conscience, religion and worship is recognized by various provisions of the Constitution. The Christian and Jewish communities enjoy freedom of religious practice. The protection and maintenance of their places of worship are ensured by the State on the same basis as for Muslim places of worship, and their employees are remunerated by the State. A Jewish consistory has its headquarters in Algiers and two synagogues are open, one in

Algiers and the other in Blida. The archdiocese of Algiers, which covers several dioceses, is responsible for churches in Algiers, Oran, Constantine and Laghouat. Article 160/3 of the Penal Code establishes penalties for any person who degrades, destroys or desecrates "places reserved for worship" of any kind, and article 160/4 establishes penalties for persons who mutilate, destroy or degrade "monuments, statues, pictures or other articles" that may be used for cultural purposes. Similarly, article 77 of the Information Act (3 April 1990) establishes penalties for "any person who, through writing, sound, image, drawing or any other direct or indirect means, insults Islam and the other celestial religions".

II. INFORMATION RELATING TO CERTAIN ARTICLES

13. Since Algeria attained its independence, censuses have no longer been carried out on the basis of ethnic, religious or linguistic criteria. The Algerian personality is now recognized in the wealth and diversity of its founding traditions, its particular features and its origins. The legislature constantly ensures that laws and regulations are consistent with the principle of non-discrimination.

14. At the same time, the Algerian Government is implementing an active and voluntarist policy of support for measures aimed at combating, internationally, all forms of racial or religious discrimination.

15. Practices constituting racial discrimination are unknown in Algeria. This aspect is linked to the heterogeneous character of the population. In this connection, it may be noted that the only anti-Semitic persecution recorded in Algerian history dates back to 1898 and was perpetrated by European settlers. In the past few years, however, literature imported from abroad by Islamic extremists has carried anti-Semitic ideas and is the subject of very close scrutiny pursuant to the Information Act.

16. In the early 1980s a rumour went around among African students enrolled in Algerian universities about the existence of an "anti-black group" which was said to carry out attacks on blacks. An inquiry ordered by the security services led to the arrest of one Algerian student who proved to be the sole author of the racist letters which sparked off the rumour. The student was expelled from university and sentenced to imprisonment.

A. Information relating to article 2

17. Articles 26, 28 and 48 of the Constitution forbid any discrimination on grounds of race. The Civil Code, the Penal Code, the Code of Criminal Procedure, the Electoral Code and the various special codes (commerce, information, health, Customs, etc.) are inspired by the Napoleonic Code and based on the principle of non-discrimination and equality between citizens.

18. The Constitutional Council sees to it that laws are in conformity with the Constitution, censures any violation of the principle of equality between citizens, and ensures that the legislative provisions and regulations applied to foreign nationals are compatible with the Constitution and with the international conventions ratified by Algeria.

B. New legislative provisions or regulations

19. Since Algeria's last periodic report was prepared, various laws and regulations have been promulgated, including the Commercial Code, the Investment Code, the Customs Code, the Code of Medical Ethics and the Electoral Code. In addition, the Penal Code and the Code of Criminal Procedure have been amended.

20. No provision of these instruments violates the spirit or letter of the Convention.

C. Implementation of article 5

21. By its decision No. 3 of 10 March 1995, the Committee on the Elimination of Racial Discrimination, "Alarmed by the continuing violence in Algeria", requested the Government of Algeria "to expedite its eleventh and twelfth periodic reports, ... with particular reference to article 5 (b) of the Convention".

22. This request, although legitimate, calls for the following clarification

(a) The reference to article 5 (b) constitutes an over-hasty judgement concerning a violation, either by the State or by individuals, of the provisions of that article with regard to discrimination and, "without distinction as to race, colour, or national or ethnic origin, ... equality before the law, notably in the enjoyment of ... the right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution". No such case of discrimination can be established; even the terrorist groups that commit crimes against Algerians and foreigners resident in Algeria do not perpetrate assassinations on the basis of the above-mentioned criteria;

(b) Throughout the history of Algeria there has never been any manifestation of violence against foreigners or violence based specifically on a racial criterion;

(c) The assassinations in Algeria are the work of terrorist groups wishing to cut Algeria off from the rest of the world and advocating the forcible change of Algeria's modern political and social system and its replacement by a totalitarian system denying mankind's achievements in the area of human rights.

23. This having been said, the number of foreign nationals who have fallen victim to acts of terrorism in Algeria constitutes only a very small part of the total number of victims of the armed groups, who belong to all social or professional categories.

24. Various measures have been taken by the Government to end and punish these acts. In order to deal with terrorist crime and its consequences, the Penal Code and the Code of Criminal Procedure have been amended and several decrees issued to compensate the victims.

25. The penalties laid down by law for the criminals are identical irrespective of whether the victim is an Algerian or a foreigner; article 64 of the Constitution provides for equality in protection by the law, and the Penal Code makes no distinction between residents of different nationalities.

26. The perpetrators of criminal acts are systematically sought and prosecuted before the courts. By way of illustration, the following table gives an indication, as of 1 June 1995, of the number of terrorist cases before the courts in which foreigners were victims;

Cases dealt with	Judgements handed down	Judgements pending	Investigations under way
38 Concerning 95 persons	6 Concerning 33 persons	12 Concerning 24 persons	20

27. A compensation fund was set up in December 1993 and a decree of 10 April 1994 established compensation procedures and conditions. Compensation, paid for from the State budget, is payable at the request of rightful claimants in the form of a one-time lump sum and may be up to 120 times the guaranteed minimum wage. Some 15 compensation claims have already been settled.

III. CONCLUSION

28. The economic and security constraints with which Algeria has been confronted since the previous report was prepared have not been accompanied by any restriction, either by law or regulation, of the freedoms of labour, movement and residence of foreigners. On the contrary, thanks to the ongoing process of liberalization of the Algerian economy and new provisions relating to investment and commerce, these freedoms have been expanded, foreign investors now being assimilated to Algerian investors.

29. Nowhere in the world does social activity prevent the emergence of activities that may be classified as discriminatory. It is none the less clear that the cultural characteristics of societies and their history may contribute to the more or less speedy disappearance of such activities. The process of democratization under way, together with the effects of the policy of compulsory schooling implemented since independence, will certainly result in individuals becoming more aware of their rights. This could lead to the revelation of realities today unknown, but also to a gradual improvement in the conditions of implementation of the Convention.